

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on April 1, 2003 at
3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Dan McGee, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Ken (Kim) Hansen (D)
Sen. Dale Mahlum (R)
Sen. Trudi Schmidt (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Keith Bales (R)

Members Absent: None.

Staff Present: Jane Hayden, Committee Secretary
Mary Vandebosch, Legislative Branch
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 249, 3/28/2003

Executive Action: HB 249, Be Concurred In;
HB 558, Be Concurred In As Amended;
HB 100, Be Concurred In;
HB 241, Be Concurred In As Amended;
HB 407, Indefinitely Postponed
HB 486, Indefinitely Postponed
HB 661, Indefinitely Postponed
HB 465, Indefinitely Postponed
HB 598, Indefinitely Postponed

HEARING ON HB 249

Sponsor: REP. DEBBY BARRETT, HD 34, Dillon

Opening Statement by Sponsor:

REP. BARRETT said that HB 249 is a city wildlife bill. She explained that she has been working with Montana Association of Counties (MACo) for 18 months regarding the issue of game damage to private land in Montana. Wildlife in a city or town pose a threat to public health and safety. This bill will allow the cities, towns, and consolidated governments to adopt plans to control, remove, or restrict game animals. She explained the amendments that have been put on the bill.

{Tape: 1, HB 249; Side: A; Approx. Time Counter: 0 - 5.5}

Proponents' Testimony:

Larry Peterman, Chief of Field Operations, Montana Fish, Wildlife, & Parks (FWP), read his written testimony in support of the amended version of HB 249.

EXHIBIT(fis69a01)

{Tape: 1, HB 249; Side: A; Approx. Time Counter: 5.5 - 10.4}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. TASH said that he thought that feeding animals was already in statute. **Larry Peterman** explained that the existing statute was strengthened in 2001.

SEN. TASH asked how much effort is expended to enforce that legislation. **Larry Peterman** answered that initially, they made an effort to educate, and have now issued a few citations.

SEN. TASH inquired as to the penalties. **Larry Peterman** responded that he was not aware of that information.

SEN. McGEE asked if a culprit was the "Oreo lady." **Larry Peterman** said she is not.

{Tape: 1, HB 249; Side: A; Approx. Time Counter: 10.4 - 12.9}

SEN. TROPILA wondered if this law applies to geese. **Larry Peterman** said that situation is particularly difficult. They try to deal with it through an expanded hunting season.

SEN. TROPILA asked if the geese hunting season is going to be expanded. **Larry Peterman** answered that they are up to the federal limit on the migratory bird hunting season.

SEN. McGEE questioned if Gibson Park will suffer from this law.

SEN. BARKUS referred to the amendments that eliminated the use of habitat acquisition funds. **Larry Peterman** explained that the funding source eliminates those funds for removing wildlife from municipal areas.

SEN. BARKUS wondered if feeding pheasants and turkeys is a violation of the law. **Larry Peterman** replied that he would have to check on that.

SEN. BARKUS suggested that FWP contact the feed stores regarding the sale of deer food.

SEN. TASH had a question regarding the fiscal note. **REP. BARRETT** stated that the fiscal note is gone and no longer applies.

{Tape: 1, HB 249; Side: A; Approx. Time Counter: 12.9 - 17.7}

Closing by Sponsor:

REP. BARRETT closed on HB 249.

CHAIRMAN SPRAGUE closed the hearing on HB 249.

{Tape: 1, HB 249; Side: A; Approx. Time Counter: 17.7 - 22.6}

EXECUTIVE ACTION ON HB 249

Motion/Vote: **SEN. SPRAGUE** moved that HB 249 BE CONCURRED IN. Motion carried unanimously by voice vote.

SEN. SHEA will carry this bill on the Senate floor.

{Tape: 1, HB 249; Side: A; Approx. Time Counter: 22.6 - 23}

EXECUTIVE ACTION ON HB 558

Motion: SEN. SPRAGUE moved that HB 558 BE CONCURRED IN.

Motion: SEN. MAHLUM moved that HB 558 BE AMENDED (HB055803.amv).

Discussion:

SEN. MAHLUM explained that the amendment adjusts the fees.

EXHIBIT(fis69a02)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. MAHLUM moved that HB 558 BE AMENDED (HB055801.amv).

Discussion:

Mary Vandembosch, Legislative Branch, explained that this is a technical amendment.

EXHIBIT(fis69a03)

Vote: Motion carried unanimously by voice vote.

Motion/Vote: SEN. MAHLUM moved that HB 558 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote.

SEN. MAHLUM will carry this bill on the Senate floor.

{Tape: 1, Exec. Actions; Side: A; Approx. Time Counter: 0 - 6.2}

EXECUTIVE ACTION ON HB 100

Motion/Vote: SEN. SCHMIDT moved that HB 100 BE CONCURRED IN.

Motion carried 7-3 with SEN. MAHLUM (and two unidentified voices) voting no by voice vote.

SEN. HANSEN will carry the bill on the Senate floor.

{Tape: 1, Exec. Action; Side: A; Approx. Time Counter: 6.2 - 7.3}

EXECUTIVE ACTION ON HB 241

Motion: SEN. BARKUS moved that HB 241 BE CONCURRED IN.

Motion: SEN. BARKUS moved that HB 241 BE INDEFINITELY POSTPONED.

Discussion:

SEN. SCHMIDT explained that there have been amendments added to this bill from the Fish and Game and those opposing the bill.

EXHIBIT(fis69a04)

SEN. BARKUS withdrew his motion.

Chris Smith explained that they have reached an agreement on the language in the amendments, in which everyone is satisfied with the bill. He explained the amendments (Exhibit 4).

{Tape: 1, Exec. Action; Side: A; Approx. Time Counter: 7.3 - 13}

SEN. TASH asked if the amendment addresses the audit recommendations. Chris Smith answered that the recommendations have already been addressed by changes made within the Department.

SEN. BARKUS wondered what kind of experience FWP has had with capturing and releasing wild birds. Chris Smith stated that no attempts have been made to trap other upland birds.

SEN. TASH inquired if the Sponsor has agreed to the amendments. REP. SHOCKLEY replied that he is comfortable with them.

Motion/Vote: SEN. TASH moved that HB 241 BE AMENDED (Exhibit 4). Motion carried unanimously by voice vote.

Motion/Vote: SEN. TASH moved that HB 241 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote.

SEN. MAHLUM will carry the bill on the Senate floor.

{Tape: 1, Exec. Action; Side: A; Approx. Time Counter: 13 - 18}

EXECUTIVE ACTION ON HB 407

Motion: SEN. SHEA moved that HB 407 BE INDEFINITELY POSTPONED.

Discussion:

SEN. TROPILA inquired about the voluntary licensing for state parks.

Chris Smith responded that SB 336 is up for executive action in the House committee.

Substitute Motion: SEN. TROPILA made a substitute motion that HB 407 BE CONCURRED IN.

Discussion:

Mary Vandenbosch, Legislative Branch, informed the Committee that if HB 407 is passed, it needs to be coordinated with the other similar bills.

Vote: Motion to concur failed 2-8 (aye voters not identified on tape) by voice vote.

Vote: Motion to indefinitely postpone carried 8-2 (nay voters not identified on tape) by voice vote.

{Tape: 1, Exec. Action; Side: A; Approx. Time Counter: 18 - 20.7}

EXECUTIVE ACTION ON HB 486

Motion: SEN. SPRAGUE moved that HB 486 BE CONCURRED IN.

Discussion:

Mary Vandenbosch, Legislative Branch, explained that she has a memo from Jim Kropp and Larry Peterman regarding the bill.

EXHIBIT (fis69a05)

SEN. BARKUS addressed his previous concern about the proof of sex requirement for game. **Jim Hagener** explained the requirement that evidence of sex has to be left on the carcass until the meat is processed.

{Tape: 1, Exec. Action; Side: A; Approx. Time Counter: 20.7 - 25.7}

SEN. BARKUS offered a situational question regarding processing. **Jim Hagener** said that they are required to keep the tagged leg attached until the animal is processed.

SEN. BARKUS asked the same question regarding processing large game in another state. **Jim Hagener** responded.

{Tape: 1, Exec. Action; Side: A; Approx. Time Counter: 25.7 - 29}

SEN. TASH had a question regarding a person transporting their game out of state. **Jim Hagener** responded that this law deals with animals coming into Montana.

SEN. BARKUS explained his opposition for this bill, suggesting instead an educational effort.

SEN. SPRAGUE reiterated that the purpose of this bill is to prohibit Chronic Wasting Disease (CWD) from entering Montana.

{Tape: 1, Exec. Action; Side: B; Approx. Time Counter: 0 - 4.4}

SEN. BARKUS offered an example to further his point of education instead of legislation.

SEN. SPRAGUE asked the Department's preference. **Chris Smith** stated that they support the bill.

SEN. SCHMIDT wondered if there could be an amendment to clarify language. **Mary Vandembosch, Legislative Branch**, stated that the Committee needs to decide what kind of policy they would like. She said that Page 2, Subsection 3 states what body parts could be imported.

{Tape: 1 Exec. Action; Side: B; Approx. Time Counter: 4.4 - 7.4}

SEN. SPRAGUE asked Chris Smith to explain what would happen if CWD enters Montana's populations. **Chris Smith** expressed their concern with the potential infestation and said the main issues lie with the brain and spinal column of the animal. He explained CWD, and the effect it has on the animal.

Vote: Motion failed 5-5 with **SENS. SCHMIDT, TROPILA, SPRAGUE, SHEA**, and **MAHLUM** voting yes by roll call vote.

Motion/Vote: **SEN. TASH** moved that HB 486 BE INDEFINITELY POSTPONED. Motion carried 6-4 with **SENS. SCHMIDT, TROPILA, SPRAGUE**, and **MAHLUM** voting no by voice vote.

{Tape: 1, Exec. Action; Side: B; Approx. Time Counter: 7.4 - 12.6}

EXECUTIVE ACTION ON HB 661

Motion: **SEN. SCHMIDT** moved that HB 661 BE CONCURRED IN.

Discussion:

SEN. SPRAGUE explained that SB 209 is still viable.

Mary Vandenbosch, Legislative Branch, explained that SB 209 does overlap with HB 661. She went over the Committee's options and distributed and explained the amendments. She said that Exhibit 7 is an alternative amendment to Exhibit 6.

EXHIBIT (fis69a06)

EXHIBIT (fis69a07)

Motion: **SEN. SPRAGUE** moved that HB 661 BE AMENDED.

Discussion:

SEN. MCGEE asked how SB 209 and HB 661 compare. **Mary Vandenbosch** stated that HB 661 is broader than SB 209. SB 209 also focuses on inventories of game animals.

{Tape: 1, Exec. Action; Side: B; Approx. Time Counter: 12.6 - 16}

SEN. SPRAGUE inquired of the effects of indefinitely postponing HB 661. **Mary Vandenbosch** continued explaining the two amendments (Exhibits 6 and 7).

Motion/Vote: **SEN. BALES** moved that HB 661 BE INDEFINITELY POSTPONED. Motion carried 9-1 (nay voter not identified on tape) by voice vote.

{Tape: 1, Exec. Action; Side: B; Approx. Time Counter: 16 - 18.9}

EXECUTIVE ACTION ON HB 465

Motion/Vote: **SEN. SHEA** moved that HB 465 BE INDEFINITELY POSTPONED. Motion carried 8-2 (nay voters not identified on tape) by voice vote.

{Tape: 1, Exec. Action; Side: B; Approx. Time Counter: 18.9 - 21}

EXECUTIVE ACTION ON HB 598

SEN. SPRAGUE said that REP. SCOTT SALES is the sponsor.

Motion: **SEN. MAHLUM** moved that HB 598 BE CONCURRED IN.

Motion: SEN. SPRAGUE moved that HB 598 BE AMENDED
(HB059802.amv) .

Discussion:

Mary Vandembosch explained the amendments.

EXHIBIT(fis69a08)

SEN. SPRAGUE said that the Department of FWP agrees with the bill, as long as the amendments are passed. He said that the Department was an informational witness during the hearing.

Vote: Motion carried 9-1 with SEN. BARKUS voting no by voice vote.

Motion: SEN. SPRAGUE moved that HB 598 BE AMENDED
(HB059801.amv) .

Discussion:

Mary Vandembosch explained the amendments.

EXHIBIT(fis69a09)

{Tape: 1, Exec. Action; Side: B; Approx. Time Counter: 21 - 25}

SEN. McGEE asked if the bill allows advertising. SEN. SPRAGUE said that it does.

SEN. SPRAGUE said that this amendment was requested by the Sponsor, and was suggested by the Department.

SEN. (unidentified) wondered what the Department is going to do with the money. Chris Smith answered that the bill provides for additional money to go to the general fund.

SEN. (unidentified) expressed his concerns with the bill.

SEN. TASH asked if the Sponsor is comfortable with the amendments. Chris Smith affirmed that REP. SALES concurs with the first amendment (Exhibit 9), but he doesn't know about Exhibit 8. SEN. SPRAGUE answered that Exhibit 8 was requested by himself.

{Tape: 2, Exec. Action; Side: A; Approx. Time Counter: 0 - 7.3}

Motion/Vote: SEN. SHEA moved that HB 598 BE INDEFINITELY POSTPONED. Motion carried unanimously by voice vote.

{Tape: 2, Exec. Action; Side: A; Approx. Time Counter: 7 - 8.5}

SEN. SPRAGUE addressed the Committee as to the possibility of adding an amendment to HB 649, that was previously indefinitely postponed. The Committee did not agree to that possibility.

Mary Vandenbosch discussed a letter from SEN. SPRAGUE to Jeff Hagener, Director, FWP regarding SB 251 being indefinitely postponed, to be approved by the Committee.

EXHIBIT(fis69a10)

SEN. HANSEN stated that he liked the copy of the original letter, as prepared by the Subcommittee. The Committee voted, and they all agreed.

The Committee discussed that the Committee party would be joint with the Senate Finance and Claims Committee.

{Tape: 2, Exec. Action; Side: A; Approx. Time Counter: 8.5 - 18}

ADJOURNMENT

Adjournment: 7:00 P.M.

SEN. MIKE SPRAGUE, Chairman

REBECCA SATTLER, Transcriptionist

MS/RS

EXHIBIT (fis69aad)